

**PLANNING COMMISSION
SITE PLAN VARIANCE REQUEST REVIEW SHEET**

CASE NUMBER: SP-2019-0328C

PLANNING COMMISSION HEARING DATE: 09/22/2020

PROJECT NAME: 1010 Clermont

ADDRESS: 43 N IH 35 SVRD NB

APPLICANT: Cooee Yakka, LLC DBA 1010 Clermont Series (Paul Stables)
P.O. Box 6464
Austin, Texas, 78762
(512) 826-1043

AGENT: Civiltude (Jim Schissler)
5110 Lancaster Court
Austin, Texas, 78723
(512) 761-6161

CASE MANAGER: Robert Anderson, (512) 974-3026 or robert.anderson@austintexas.gov

PROPOSED DEVELOPMENT:

The request is for a 3-story, 40 foot tall administrative and business office building with 5,820 square feet of gross floor area on a 0.26 acre site. The total proposed impervious cover is 8,165 square feet (69.1%).

SUMMARY STAFF RECOMMENDATION:

Staff recommends approval of the site plan as proposed. The site plan will comply with all requirements of the Land Development Code prior to its release.

PROJECT INFORMATION:

SITE AREA	0.26 acres		
ZONING	GR-MU-V-CO-NP		
NEIGHBORHOOD PLAN	East Cesar Chavez		
WATERSHED	Lady Bird Lake		
WATERFRONT OVERLAY	Festival Beach Subdistrict		
WATERSHED ORDINANCE	Comprehensive Watershed Ordinance (Urban)		
PROPOSED USE	Administrative and Business Office		
TRAFFIC IMPACT ANALYSIS	N/A		
PROPOSED PARKING	11 total vehicle spaces (1 ADA) ¹ , 6 bicycle spaces		
	Allowed/Required	Existing	Proposed
IMPERVIOUS COVER	40%	11,817 SF / 81.3%	8,165 SF / 69.1%
BUILDING COVERAGE	80%	N/A	1,940 SF / 16.4%
BUILDING HEIGHT	40 Feet	N/A	40 Feet
F.A.R	1:1	N/A	0.49:1

¹ A parking waiver was approved by the Board of Adjustment reducing the parking requirements from 15 total required vehicle parking spaces to 11 total required vehicle spaces.

SUMMARY STAFF COMMENT ON SITE PLAN:

The project is located in the Festival Beach Waterfront Overlay – outside of the primary and secondary setback areas – and, therefore, has a maximum site impervious cover of 40% or 70% for projects that meet certain specified criteria [LDC Section 25-2-735(D)]. Because the site plan proposes an impervious cover amount of 69.1% without meeting the aforementioned conditions, a waiver to the maximum allowable impervious cover is required by Land Development Code Section 25-2-721(A)(1).

According to the Land Development Code Section 25-2-721(A)(3)-(4), the Land Use Commission shall seek a recommendation from the Small Area Planning Joint Committee and the Environmental Commission for site plans seeking waivers from the requirements of the Waterfront Overlay Combining Districts.

The applicant proposes to redevelop an existing used car sales lot into a three-story and 40-foot tall building of administrative and business office use with 5,820 square feet of floor area. The proposal reduces site impervious cover from 81.3% to 69.1%.

In order to recommend the project for a variance, staff considered whether “the variance is the minimum required by the peculiarities of the tract” [LDC Section 25-2-713(B)(2)]. The peculiarities of the site include: The small site of the lot which limits the gross floor area as well as available on-site parking; the utility easement that is 17 feet deep and exists along the entire length of the frontage of IH-35 frontage; the small frontage along Clermont Avenue which conflicted with Subchapter E building placement standards and complicates access to the site; the compatibility requirements constraining building placement and height; and, the unusual lot shape. Staff also considered the possible reduction in water pollution which will result from the change of land use. Ultimately, staff requested a slight reduction of the initially proposed impervious cover to be less than 70%, and for the provision of on-site water quality controls. The applicant agreed to those design modifications and the proposal as submitted for consideration is reflective of those changes.

TOWN LAKE CORRIDOR STUDY:

Staff considered the Town Lake Corridor Study and the effect of this project. Staff determined there is no adverse impact of this project to the goals of the study.

WAIVER PROCESS – RECOMMENDING BODIES:Environmental Commission

Hearing Date: September 2, 2020.

The Environmental Commission voted 9-0 to recommend the variance from LDC 25-2-735 (D) (Festival Beach Subdistrict Regulations) of the Waterfront Overlay with the following staff conditions:

1. Provide water quality treatment with the proposed project such that the proposed development pollutant load will be lower than the existing conditions pollutant load. A rain garden will be constructed to provide treatment for the runoff from the building and porous pavement will be constructed to provide treatment for the runoff from the parking lot and the onsite sidewalks.
2. Provide specific window glazing on the office building to reduce potential of bird strikes.
3. All trees planted on site will be tree species native to Central Texas.

The Environmental Commission motion 202000902-004a is included in the back-up materials.

Small Area Planning Joint Committee

Hearing Date: Tentatively scheduled for September 21, 2020. The hearing date has not been finalized at the time back-up materials were submitted. Staff will provide an updated report prior to land use commission hearing or provide an update at the hearing. If the item is unable to be heard by the Small

Area Planning Joint Committee on September 21, 2020, the applicant wishes to proceed to Planning Commission without a recommendation.

The project was previously scheduled for the Small Area Planning Joint Committee on August 12, 2020, but due to a hard stop time the item was unable to be considered. Another attempt to schedule the Small Area Planning Joint Committee on August 24, 2020 failed due to lack of quorum.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU-V-CO-NP	Used Car Sales
<i>North</i>	GR-MU-CO-NP	Single-family
<i>South</i>	N/A	Clermont Avenue
<i>East</i>	GR-MU-V-CO-NP	Commercial
<i>West</i>	N/A	IH-35 Frontage Road

ABUTTING STREETS:

Street	Right-of-Way Width		Pavement Width	Street Type	Street Level
	<i>Existing</i>	<i>ASMP</i>			
IH-35 N Frontage	36	N/A	36	Regional Mobility	4
Clermont Avenue	60	60	30	Local Mobility	1

COMPATIBILITY:

The site is subject to Compatibility Standards due to the proximity of the SF-3 zoning district to the northeast. The site area is required to comply with the Height Limitations and Setbacks for Small Sites because the site area is less than 20,000 square feet and has street frontage along Clermont Avenue that is less than 100 feet [LDC Section 25-2-1062]. The site plan, as proposed, complies with the compatibility regulations.

OTHER ISSUES:

Board of Adjustment

Hearing Date: August 10, 2020.

The Board of Adjustment approved a parking waiver to reduce the required vehicle parking spaces from 15 to 11. The decision sheet is included in the back-up materials.

NEIGHBORHOOD ORGANIZATIONS:

Austin Independent School District
 Austin Lost and Found Pets
 Austin Neighborhoods Council
 Bike Austin
 City of Austin Downtown Commission
 Del Valle Community Coalition
 Downtown Austin Neighborhood Association
 East Austin Conservancy
 East Cesar Chavez Neighborhood Association
 East Cesar Chavez Neighborhood Plan Contact Team
 East Town Lake Citizens Neighborhood Association
 El Concilio Mexican-American Neighborhoods

Friendly Fiends of Haskell Street
 Friends of the Emma Barrientos MACC
 Friends of Austin Neighborhoods
 Greater East Austin Neighborhood Association
 Guadalupe Neighborhood Development Corp.
 Homeless Neighborhood Association
 Neighborhood Empowerment Foundation
 Neighborhoods United for Progress
 Preservation Austin
 SELTexas
 Sierra Club, Austin Regional Group
 Tejano Town
 Town Lake Neighborhood Association
 Waller District Staff Liaison
 Waterloo Greenway

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday August 10, 2020

**Item #: C-2
CASE NUMBER: C15-2020-0037**

Y Brooke Bailey
 Y Jessica Cohen
 Y Ada Corral
 Y Melissa Hawthorne
 Y William Hodge
 Y Don Leighton-Burwell
 Y Rahm McDaniel
 Y Darryl Pruet
 - Veronica Rivera OUT
 Y Yasmine Smith
 Y Michael Von Ohlen
 Y Kelly Blume (Alternate)
 - Martha Gonzalez (Alternate)

APPLICANT: James Schissler

OWNER: Paul Stables c/o Cooe Yakka, LLC

ADDRESS: 43 IH 35 SVRD

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-6-472 (*Parking Facility Standards*) Appendix A (*Tables of Off-Street parking and Loading Requirements*) to reduce the number of required parking spaces from 15 spaces (required) to 11 spaces (requested) in order to erect a 5,820 sq. ft. Administrative Office Building in a “GR-MU-V-CO-NP”, Community Commercial – Mixed Use - Vertical Mixed Use building – Conditional Overlay – Neighborhood Plan zoning district. (East Cesar Chavez Neighborhood Plan)

BOARD’S DECISION: **The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Grant, Board Member William Hodge seconds on an 11-0 vote; GRANTED.**

EXPIRATION DATE: August 10, 2021

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: this is not a request for variance from a zoning regulations

2. (a) The hardship for which the variance is requested is unique to the property in that: the triangular shape of the remaining portions of the lots after TxDOT right of way purchase for IH-35 severely limits the size of the site and therefore the portion of the site that can be used for parking, the Waterfront Overlay also limits impervious cover to 70 percent well below the 90 percent allowed by zoning.

(b) The hardship is not general to the area in which the property is located because: other lots on the block are rectangular shaped whereas this site is the end of the block that had TxDOT right of way purchased for construction of IH-35; approximately 47.5 percent of the original lots was purchased by TxDOT, irregular lot.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the site is on the IH-35 frontage road and is adjacent to commercial property, the site is zoned to allow administrative office use so will not affect the adjacent uses.

PARKING: (Additional criteria for parking variance only)

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because: the small administrative office building will not generate high traffic volumes and the location on IH-35 frontage road in downtown will facilitate alternate mobility options, a shower will be provided for tenant use to facilitate bicycle riding and alternate transportation options.
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because: there are 11 parking spaces on the site so 73 percent of the required parking is provided
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objective of this Ordinance because: the project includes a 10 foot wide shared use path along IH-35 frontage road to facilitate pedestrians and bicyclist access to the site from adjacent streets without entering the traffic lanes.
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: the zoning ordinance for the property restricts the allowable uses by listing over 30 prohibited uses, including medical offices, general retail sales, consumer convenience services, restaurants.


Elaine Ramirez
Executive Liaison

Diana Ramirez for

Don Leighton-Burwell
Chairman



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August 31, 2020

Planning Commissioners
c/o Development Services Department
505 Barton Springs Rd, 4th Floor
Austin, TX 78704

Re: Festival Beach Waterfront Overlay Sub-District
SP-2019-0328C
43 N IH 35 SVRD NB
Austin, TX 78702

Dear Commissioners:

On behalf of our client, 1010 Clermont Series of Cooee Yakka, LLC, we are submitting the Site Development Permit for 1010 Clermont for your approval of the variance for the impervious cover limit in the Festival Beach Waterfront Overlay Subdistrict. The property is on the northeast corner of the intersection of Clermont Street and IH 35 northbound frontage road and is triangular shaped due to prior dedication of property to TxDOT for IH 35 construction. This portion of the Festival Beach Sub-District is shown to be rezoned from residential to commercial in the Town Lake Corridor Study.

Background information

The property has been a used car lot for at least 23 year based on City aerials provided in the presentation. There were a billboard and several large signs on the property, almost all the signs have been removed and the billboard will be removed this fall. Due to the prior taking of right-of-way for IH 35 by TxDOT, the shape of the site is a triangular with the shortest property line along Clermont Avenue at 41.51-feet; there is also a 25-foot electric transmission line easement along the IH 35 frontage. The latest regulations adopted by Austin Energy do not allow trees of any type within the electric transmission easement.

Site Plan Application

The owner is seeking a site development permit to construct a 5,820 sf administrative office building on the northeast corner of the property outside the electric transmission easement. The building height is limited by a SF-3 zoned lot east of the property which prevents parking under the building on the ground floor. Based on the limited size of the building and number of parking spaces, the owner is providing a shower for commuter that walk or bicycle. LDC Code Section 25-2-735(D) requires that property that seeks 70% impervious cover instead of 40% must provide innovative water quality measures, and the site will provide a rain garden for roof runoff and porous pavement and sidewalks to treat the required first-flush of runoff. Aesthetic enhancements include landscaping and a rain garden, and the modern office building will replace the used cars, billboard and signs that previously occupied the site.

Your consideration of this variance request is appreciated. If you have any questions, please call me at 512-569-9830.

Sincerely,

James M Schissler

James M. Schissler, P.E.



ENVIRONMENTAL COMMISSION MOTION 202000902-004a

Date: September 2, 2020

Subject: 1010 Clermont Avenue, SP 2019-0328C

Motion by: Kevin Ramberg

Seconded by: Linda Guerrero

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is requesting a variance from City Code 25-2-735(D) to allow impervious cover greater than 40% in the Festival Beach Waterfront Overlay – outside of the primary and secondary setback areas – without having met specified criteria for allowing 70% maximum allowable impervious cover;

WHEREAS, the Environmental Commission recognizes the 0.26-acre lot currently contains approximately 81% impervious cover without onsite water quality treatment and has historically been used a used car lot; and

WHEREAS, the Environmental Commission recognizes that staff recommends this variance having determined the required Findings of Fact have been met.

THEREFORE, the Environmental Commission recommends the variance request with the following:

Staff Conditions:

1. Provide water quality treatment with the proposed project such that the proposed development pollutant load will be lower than the existing conditions pollutant load. A rain garden will be constructed to provide treatment for the runoff from the building and porous pavement will be constructed to provide treatment for the runoff from the parking lot and the onsite sidewalks.
2. Provide specific window glazing on the office building to reduce potential of bird strikes.
3. All trees planted on site will be tree species native to central Texas.

VOTE 9-0

For: Bedford, Smith, Thompson, Nill, Neely, Coyne, Maceo, Guerrero, and Ramberg

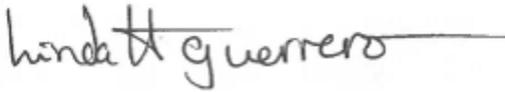
Against: None

Abstain: None

Recuse: None

Absent: Creel, Gordon

Approved By:

A handwritten signature in black ink that reads "Linda Guerrero". The signature is written in a cursive style and is followed by a horizontal line.

Linda Guerrero, Environmental Commission Chair

- NOTES:
- APPROVAL OF THESE PLANS BY THE CITY OF AUSTIN INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
 - ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50.
 - ACCESSIBLE PARKING SPACES MUST BE LOCATED ON A SURFACE WITH A SLOPE NOT EXCEEDING 1:50.
 - SLOPES ON ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP.
 - THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY RAMP RUN IS 30 IN. THE MAXIMUM HORIZONTAL PROJECTION IS 30 FEET FOR A RAMP WITH A SLOPE BETWEEN 1:12 AND 1:15, AND 40 FEET FOR A RAMP WITH A SLOPE BETWEEN 1:16 AND 1:20.
 - A MINIMUM VERTICAL CLEARANCE OF 114" MUST BE PROVIDED AT ACCESSIBLE PASSENGER LOADING ZONES AND ALONG VEHICLE ACCESS ROUTES TO SUCH AREAS FROM SITE ENTRANCES. A MINIMUM VERTICAL CLEARANCE OF 98" MUST BE PROVIDED FOR VAN-ACCESSIBLE PARKING SPACES AND ALONG THE VEHICULAR ROUTE THERETO.
 - SCREENING FOR SOLID WASTE COLLECTION AND LOADING AREAS SHALL BE THE SAME AS, OR OF EQUAL QUALITY TO, PRINCIPAL BUILDING MATERIALS.
 - EACH COMPACT SPACE WILL BE SIGNED "SMALL CAR ONLY."
 - CURB WITHIN ELECTRICAL EASEMENT TO BE FLUSH CURB.
 - ASPHALT TO BE 2-INCH POROUS HMA COVER 9-INCH FLXIBLE BASE OVER GEOGRID TO ATTAIN 80,000 ESALS.

- CONNECTIVITY IMPROVEMENTS:
- INTERNAL UTILITY LINES ARE LOCATED IN DRIVE AISLES.
 - SHADED OVERHANG PROVIDES SHADED SIDEWALK FOR 100 PERCENT OF BUILDING FRONTAGE ON PRINCIPAL STREET.

Building Table	
Zoning: GR-MU-V-CO-NP, General Commercial Services-Vertical Mixed Use	
Gross Site Area	11,817 SF
Gross Building Area	5,820 SF
Number Of Stories	3
Finished Floor Elevation	460.0
Foundation Type	Slab on Grade
	Allowed Provided
Maximum Height	40' 40'
Floor Area Ratio	1:1 0.49
Building Coverage (SF)	9,454 1,940
Building Coverage (%)	80 16.4
Impervious Cover (SF)	10,635 8,165
Impervious Cover (%)	90 69.1

Impervious Cover Table			
	Existing	Proposed Removal	Proposed Addition
Building	-	-	1,940
Parking/Driveway & Others	9,609	9,609	4,972
Sidewalk	-	-	1,253
Total (Area)	9,609	9,609	8,165
Gross Site Area	11,817	SF	0.271 Acre
Total (Percent)	81.32%	81.32%	69.10 %

PARKING SUMMARY TABLE			
Land Use	Area (SF)	Parking Ratio	Spaces
Administrative Office	5,820	1 per 275 SF	21.2
20% Reduction for Urban Core 25-6-478(A)			-4.2
10% Reduction for Providing Shower			-2.1
Net Required Spaces			15
Standard Parking			10
Accessible Parking			1
Total Parking Provided			11
Bicycle Spaces Provided (5 or 5% total)		5 Required	6

- COMPATIBILITY STANDARD NOTES:
- ALL EXTERIOR LIGHTING WILL BE FULL CUT-OFF AND FULLY SHIELDED FROM IN COMPLIANCE WITH SUBCHAPTER E.2.5 AND WILL BE REVIEWED AT BUILDING PLAN REVIEW. ANY CHANGE OR SUBSTITUTION OF LAMP LIGHT FIXTURES SHALL BE SUBMITTED TO THE DIRECTOR FOR APPROVAL IN ACCORDANCE WITH SECTION 2.5.2.E.
 - ALL DUMPSTERS AND ANY PERMANENTLY PLACED REFUSE RECEPTACLES WILL BE LOCATED AT A MINIMUM OF TWENTY (20) FEET FROM A PROPERTY USED OR ZONED AS SF-5 OR MORE RESTRICTIVE.
 - THE USE OF HIGHLY REFLECTIVE SURFACES, SUCH AS REFLECTIVE GLASS AND REFLECTIVE METAL ROOFS, WHOSE PITCH IS MORE THAN A RUN OF SEVEN (7) TO A RISE OF TWELVE (12), WILL BE PROHIBITED.
 - THE NOISE LEVEL OF MECHANICAL EQUIPMENT WILL NOT EXCEED 70 DBA AT THE PROPERTY LINE ADJACENT TO RESIDENTIAL USES.
 - EXTERIOR LIGHTING ABOVE THE SECOND FLOOR IS PROHIBITED.

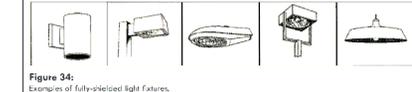


Figure 34: Examples of fully-shielded light fixtures.

EXISTING LEGEND

- FIRE HYDRANT W/ GATE VALVE
- WATERLINE W/ GATE VALVE
- WATERLINE W/ DOUBLE SERVICE
- WATERLINE W/ SINGLE SERVICE
- WASTEWATER W/ MANHOLE
- WASTEWATER W/ CLEANOUT
- WASTEWATER W/ DOUBLE SERVICE
- WASTEWATER W/ SINGLE SERVICE
- STORM SEWER W/ MANHOLE
- STORM SEWER W/ CURB INLET
- GROUND CONTOUR

PROPOSED LEGEND

- FIRE HYDRANT W/ GATE VALVE
- WATERLINE W/ GATE VALVE
- WATERLINE W/ DOUBLE SERVICE
- WATERLINE W/ SINGLE SERVICE
- WASTEWATER W/ MANHOLE
- WASTEWATER W/ CLEANOUT
- WASTEWATER W/ STACK
- WASTEWATER W/ DOUBLE SERVICE
- WASTEWATER W/ SINGLE SERVICE
- STORM SEWER W/ MANHOLE
- STORM SEWER W/ CURB INLET
- GROUND CONTOUR
- ELECTRIC LINE
- GAS LINE



NO.	DATE	REVISIONS	SHEET

THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

1010 CLERMONT
43 N IH 35 NB, AUSTIN, TX 78702

SITE PLAN

CIVILITUDE
ENGINEERS & PLANNERS

5110 LANCASTER COURT, AUSTIN, TX 78723 FIRM REG # F12469
PHONE 512 761 6161 FAX 512 761 6167 INFO@CIVILITUDE.COM

SCALE: 1"=10'

JOB NO: A364-001

DGN BY: JMS

DWN BY: MAA

RVW BY: JMS

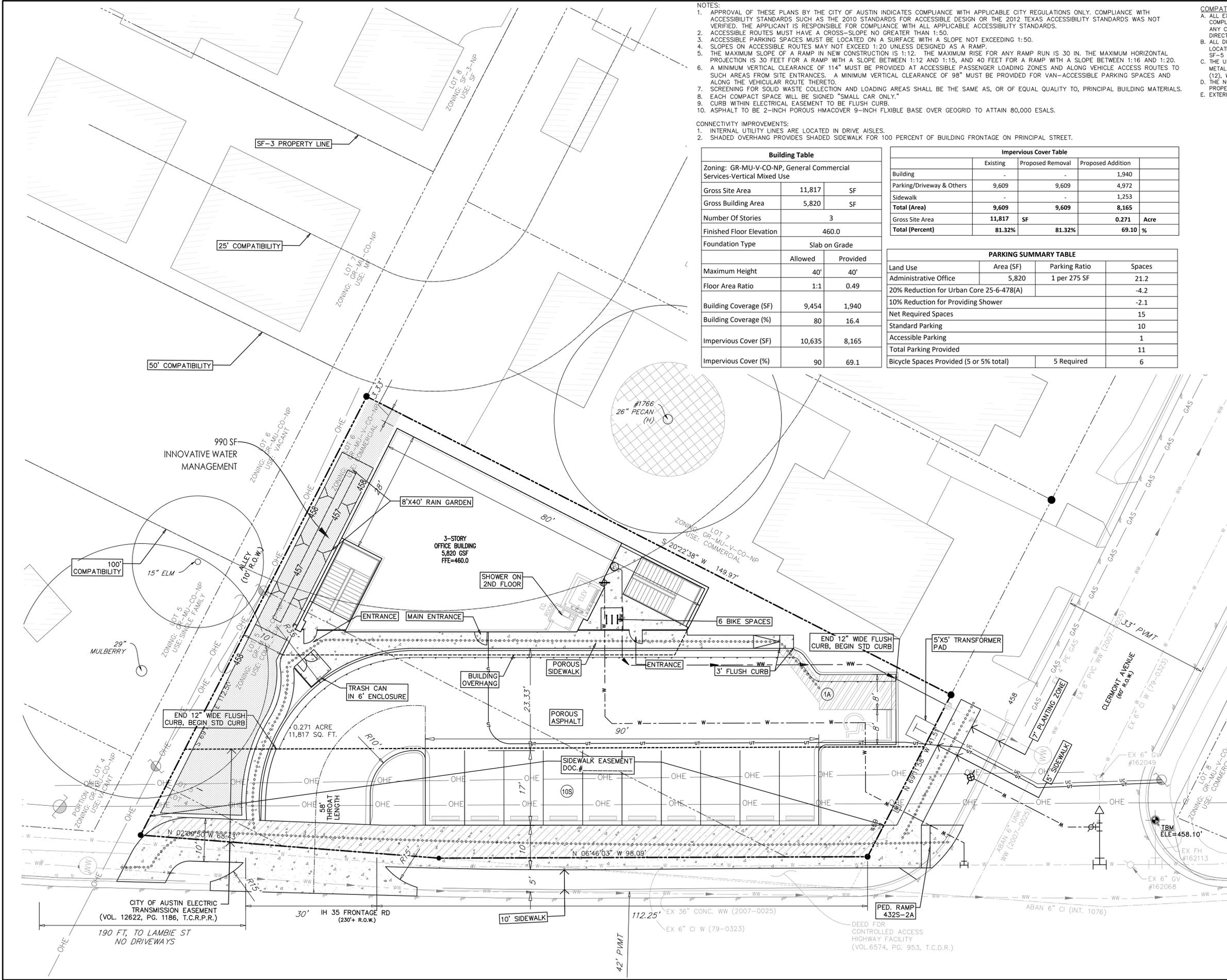
SITE PLAN APPROVAL SHEET 06 OF 14
APPLICATION DATE: 8-8-2019
APPROVED BY COMMISSION ON UNDER SECTION 112 ON
CHAPTER 25-5 OF THE CITY OF AUSTIN CODE
EXPIRATION DATE (25-5-81, LDC) CASE MANAGER R. ANDERSON
PROJECT EXPIRATION DATE (ORD.#970905-A) DWP2 DIZ X

Director, DEVELOPMENT SERVICES DEPARTMENT
RELEASED FOR GENERAL COMPLIANCE: ZONING: GR-MU-V-CO-NP

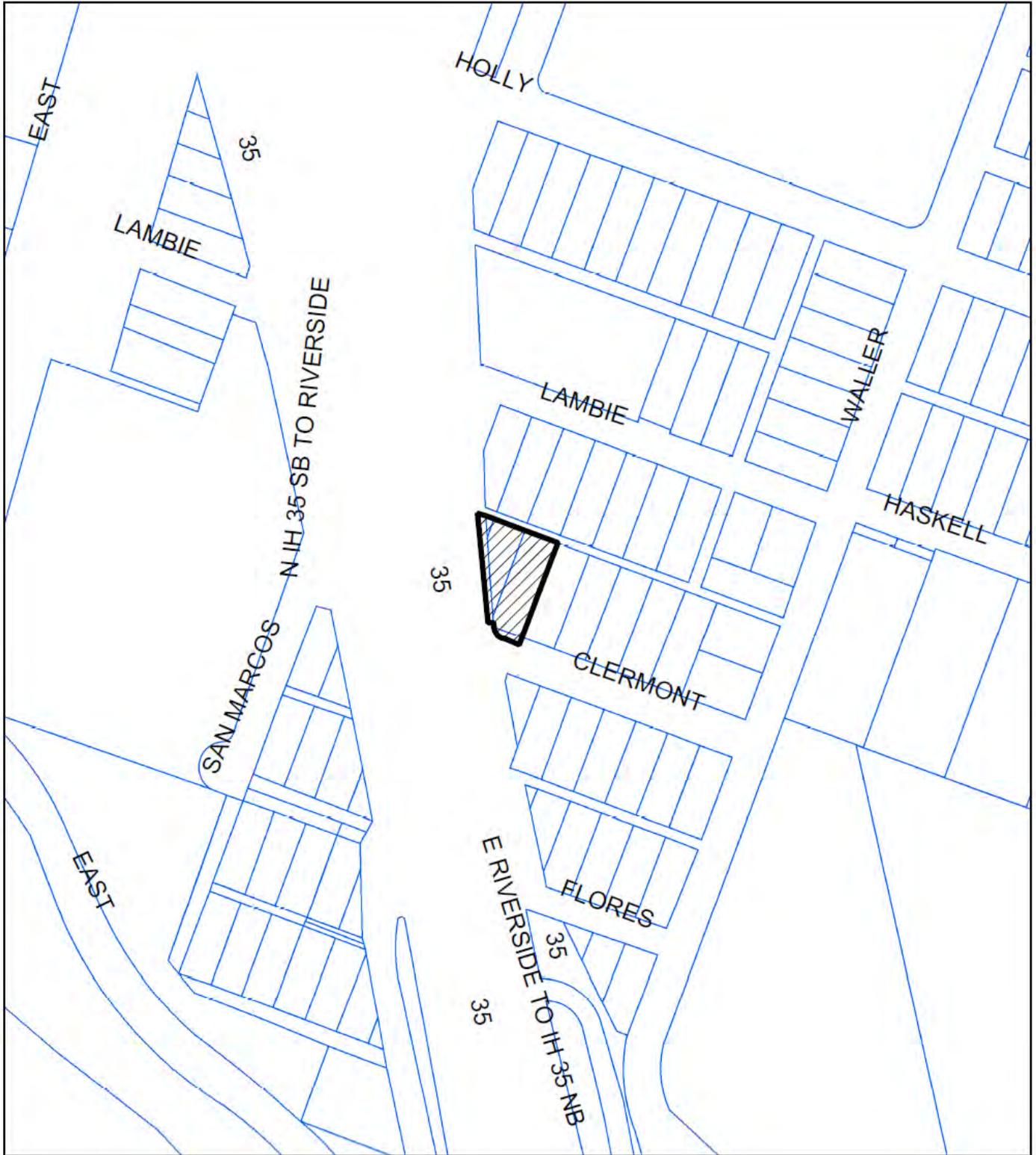
Rev. 1 Correction 1
Rev. 2 Correction 2
Rev. 3 Correction 3

Final plans must be recorded by the Project Expiration Date, if applicable. Subsequent Site Plans which do not comply with the Code current at the time of filing, and all required Building Forms and/or a notice of construction of a Building permit is not required, must also be approved prior to the Project Expiration Date.

SHEET NO. 06
OF 14



1010 CLERMONT - 43 N IH 35 NB, AUSTIN, TX 78702
SP-2019-0328C



-  Subject Tract
-  Base Map

CASE#: SP-2019-0328C
 LOCATION: 43 N IH 35 SVRD NB



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference.